



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Virginia Commission on Youth Meeting

October 19, 2022, 10:00 a.m. to 12:00 p.m.
Pocahontas Building, House Committee Room

Attending:

Delegates: Emily Brewer (Chair), Carrie Coyner, Karrie Delaney, Tara Durant, Anne Ferrell Tata, Irene Shin
Senators: Barbara Favola (Vice-Chair), Dave Marsden, David Suetterlein
Citizen Member: Chris Rehak

Not Attending:

Citizens Members: Avi Hopkins, Jessica Jones-Healey

Staff Attending:

Amy Atkinson, Will Egen, Kathy Gillikin

I. Welcome and Introductions

Delegate Emily Brewer, Chair, Virginia House of Delegates

Delegate Brewer welcomed commission members and meeting attendees. Commission members introduced themselves and their districts.

II. Transition Process for Students with Disabilities Regarding Records and Services at the Age of Majority - Decision Matrix

*Amy Atkinson, Executive Director,
Virginia Commission on Youth*

Delegate Brewer introduced Amy Atkinson, Executive Director of the Commission. Ms. Atkinson credited the Chair, Delegate Brewer, and Vice-Chair, Senator Favola, for their leadership on the transition Study advisory group, as well as thanked Delegates Tata and Durant, and Senator Suetterlein who served on this advisory group. Ms. Atkinson reviewed the process for the study including two advisory group meetings and the development of draft recommendations. The draft recommendations were put out for public comment. Four public comments were received and a summary of the comments

is included in the decision matrix and incorporated into the draft recommendations as warranted.

Senator Favola had a question about the grant program and having a dedicated transition coordinator for each high school. Senator Favola's concern is that grant funding is temporary, and she inquired about the feasibility of making the transition coordinator positions part of the Standards of Quality (SOQ), and not relying on grant funding. Dr. Samantha Hollins, Virginia Department of Education (VDOE), Special Education, came forward to explain that the VDOE can easily provide regional technical assistance for the grant program with their current staff, and in subsequent years, provide the data on the funding needed for adding the position to the Standards of Quality.

Public comment was then opened up to the public. Mike Asip, Virginia Council of Administrators of Special Education (VCASE), thanked the Commission for their work on this study and including their organization. Collaboration among the agencies is essential. VDOE is doing great work with their "I'm Determined" Program that includes self-advocating, an essential part of transition. Mr. Asip spoke in support of a division-wide position allocated through SOQ to coordinate transition efforts among the schools, including high, middle, and elementary schools. Additionally, Mr. Asip shared that "Project Search" is one of the most powerful internships that has an 84% outcome success rate for competitive employment, and he is concerned that there are no dollars for innovative programs with over 80% outcome success rates like "Project Search."

Ms. Aja Moore, Grafton Integrated Health Network, spoke in support of the Commission's work and thanked the Commission.

Senator Favola moved that all the recommendations for this transition study be adopted. The motion was seconded. The recommendations were adopted unanimously.

Adopted Recommendations:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendations related to this study:

Recommendation 1: Require that the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, and representatives from Community Services Boards and local education agencies, develop and disseminate best practice standards to Community Services Boards (CSBs) and local education agencies about how to work with local education agencies, private placement entities, students, and families through the transition process. Additionally, best practices should include information about what special education, service, or accommodation records to transfer at the age of majority and/or high school completion. The Department

of Behavioral Health and Developmental Services shall use existing Department of Education guidance in developing best practices.

Recommendation 2: Introduce a budget amendment directing the Department for Aging and Rehabilitative Services to work with the Department of Education, the Department of Behavioral Health and Developmental Services, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and VCU-RRTC to ensure that online resources are readily available and disseminated to all individuals of transition age and their families. This includes utilization and promotion of PEATC's online training course, Transition University (TU), conducted in coordination with VDOE and PEATC's online transition guide and resource documents on its website.

DARS, DOE, DBHDS, PEATC, Partnership for People with Disabilities, and VCU-RRTC shall explore whether these online resources should be expanded to ensure full coverage of resources for students with disabilities on transition services beyond high school, including transfer requirements, provider and service options, diploma requirements for future career or educational goals, and other helpful information. Assess whether PEATC's online resources, including Transition University and PEATC's transition webpage should serve as the central hub or a separate website should be developed with the goal of ensuring access to families and promotion of resources and information by DARS and DBHDS without duplicating existing efforts. Review transition resources on other organizational websites including, but not limited to, Partnership for People with Disabilities.

Recommendation 3: Request that the Department for Aging and Rehabilitative Services work with the Virginia Commonwealth University's Partnership for People with Disabilities, VCU-RRTC, and the Parent Educational Advocacy Training Center (PEATC), to develop and disseminate virtual training on transition resources and services for teachers in each high school or school district.

Recommendation 4: Request the Virginia Information Technologies Agency (VITA) work with agencies who provide services and workplace opportunities to students with disabilities, to identify solutions to barriers in using virtual reality software and other relevant transition content applications for students with disabilities.

Recommendation 5: Request that the Virginia Department for Aging and Rehabilitative Services (DARS) continue to develop internship opportunities for students with disabilities. DARS should work in collaboration with other state agencies and local governments including, but not limited to, the Virginia Departments of Labor and Industry, Education (Career and Technical Education, as well as Special Education), the Blind and Vision Impaired, the Deaf and Hard of Hearing, and Behavioral Health and Developmental Services, as well as the Virginia Chamber of Commerce, local chambers of commerce, businesses, and other relevant organizations to provide internship

opportunities for students with disabilities. These opportunities will ensure that each student with a disability has a blueprint for their career and job placement after high school. DARS shall continue to educate internship provider businesses about different types of accommodations that can be accessed for various disabilities. DARS shall take advantage of established programs and increase statewide school participation in programs such as Project Search and other post high school programs.

Recommendation 6: Request that the Secretary of Education, in coordination with the Secretary of Health and Human Resources, Secretary of Labor, and Secretary of Commerce and Trade, investigate the feasibility of developing a comprehensive program to reduce unemployment among adults with disabilities by assisting and supporting businesses to attract, hire, train, and retain adults with disabilities.

Recommendation 7: Introduce a budget amendment to fund a transition coordinator grant program to be administered through the Virginia Department of Education. These coordinators shall be employed by local school divisions and work with other community partners (Local Community Services Boards and other agencies, including private education entities) to assist students with disabilities and their families in preparing for future service needs and employment opportunities. School districts shall apply to the Department of Education to receive state grant funding for a coordinator position. Grant funding may also be used by local school divisions to offer transition services to students with disabilities through contracted positions, such as job coaches, that are available in the community.

Recommendation 8: Require that all public high schools identify the person responsible for transition planning and coordination at each school. Make such identification of the person responsible for transition planning available to the public.

Recommendation 9: Support the Virginia Department of Education in their use of IDEA funding to develop a state special education transition management position to oversee transition coordinator issues and funding across the state.

Recommendation 10: Request that the Chair of the Virginia Commission on Youth write letters of endorsement for Virginia Commonwealth University's Partnership for People with Disabilities, the disAbility Law Center, the Virginia Board for People with Disabilities, and the Department for Aging and Rehabilitative Services. The letters will show support for these organizations towards their goal of obtaining grant funding to assist with the advocacy for, and the transition of, students with disabilities to adulthood and independent living.

Recommendation 11: Introduce a language only budget amendment directing the Virginia Department of Education to have the Virginia Intercommunity Transition Council meet at least biannually to help implement its statewide plan for oversight of local practices related to transition planning and services.

The objective of this council shall include streamlining and collaboration, developing a better transition communication network in the Commonwealth, educating all members about what Virginia and local organizations provide for students transitioning to adulthood, identifying any gaps or overlap in services for potential streamlining and problem-solving, identifying best practices for students without family involvement or who are in the custody of a social services agency, and developing an improved transition infrastructure for students with disabilities.

This council shall include, but not be limited to, the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, Department of Social Services, Virginia Community College System, and Virginia Commonwealth University's Partnership for People with Disabilities.

Recommendation 12: Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendation, as amended below in **bold**:

Virginia Department of Education (DOE) **and the Department of Behavioral Health and Developmental Services**, along with the local school divisions, should work with CSBs/BHA within the school divisions' catchment area to designate a staff to act as a lead for school-to-adult life transition and work with the school division's Transition Coordinator to ensure accurate and timely information is distributed to families. CSBs/BHA should utilize existing school-to-adult life transition resources such as PEATC's Transition University for CSB staff training and development.

Recommendation 13: Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendation:

The CSBs/BHA, through their member organization, Virginia Associations of Community Services Boards (VACSB), should consider operating a Community of Practice for School to Adult Transition, to foster learning and identify some of the exemplary practices taking place in several CSBs.

III. Evaluating the Effectiveness and Efficiency of Virginia's Juvenile Detention Centers - Decision Matrix

*Amy Atkinson, Executive Director,
Virginia Commission on Youth*

Delegate Brewer introduced the second study topic and shared that Amy Atkinson would review the public comments on the recommendations. Ms. Atkinson thanked Senator Marsden who chaired the advisory group and Delegate Coyner who served on the

advisory group. The advisory group held three advisory group meetings, and draft recommendations (not adopted by the Advisory Group) were presented at the September 21st meeting. The recommendations were put out for public comment. Over seventy public comments were received. There was great opposition to recommendation one on closing six detention centers by region. The public comments received were summarized in the matrix and presented. Comments included that the recommendations did not represent the consensus of the advisory group, and many commenters were concerned about the distance the juveniles would be from their families if detention centers were consolidated. Also, many commenters spoke positively about the role of the current education delivery method in detention centers, and discouraged the recommendations attempting to change education services through State Operated Programs.

Senator Marsden explained his professional background in Virginia's juvenile detention system and his consulting experience with other states. He explained that supervising children in the community is better than putting them in a detention home. According to Senator Marsden, the average cost of one occupied bed in Virginia is \$423,000. Senator Marsden described the cost savings of \$30M if six facilities were to close and could be reinvested for children who are at-risk.

Delegate Brewer emphasized that this is a big issue, and she has concerns about not including localities in this decision.

Delegate Brewer called Amy Floriano, Director, Department of Juvenile Justice, to answer some questions about what would happen if a locality closed a facility but didn't have agreements with other localities to take their youth. Ms. Floriano explained that there is no justification for a judge in one jurisdiction to order a detention center in another jurisdiction to house their child. The child would go to a shelter or group home if no facility was available. The last resort would be to have the child under home electronic monitoring.

Delegate Brewer wondered about juveniles with serious offenses. Ms. Floriano explained that although there has been a decrease in juvenile offenders, there has been an increase in violent juvenile offenders (56.3% increase of juvenile firearm offenses).

Public Comment was then opened up to the public. Marilyn Brown, President, Virginia Juvenile Detention Association (VJDA), served on the advisory committee for this study. The VJDA does not support the recommendations and does not support closing any facilities. Ms. Brown stated that closing and consolidating detention centers is not a better or more effective solution for our youth: it would dismantle local systems of care and impede access to council, family, and community-based services, including schools. Detention centers are locally or regionally owned and operated and are concerned about running effectively and efficiently while being good stewards of taxpayers' money. Detention centers are staffed only for beds that are used and not staffed to take more youth from other localities. Ms. Brown then gave the example of the Northern Virginia

Detention Commission which conducted a major study with the Moss Group to examine the feasibility of closing their detention center in partnership with Fairfax. At the conclusion of the study, the Northern Virginia Detention Commission and Fairfax decided to keep their center open because of their vital connections to their local Community Services Board, schools, social services, attorneys, parole officers, and judges.

Delegate Brewer introduced the next speaker providing public comment. Sandra Karison, Director of the Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia. Ms. Karison spoke about the factors the judges consider when assigning a youth to a detention center including specific services needed for each youth, referrals appropriate for the family and youth to local agencies for rehabilitation, and the services provided at a particular center. If centers are closed, the judges are concerned about travel time to court hearings, remote learning, disrupting the youths' access to school and court services, transportation for families and service providers, no access to public transportation, disruption of law enforcement tasks, docket delays, access to attorneys, continuity with local schools, completing IEP services, services by the local community services board, family and individual therapy, trauma-informed services, family engagement, rehabilitation, continuity of these services and providers upon release, etc.

Delegate Coyner then made a motion to send a letter to the Secretaries of Education, Public Safety, and Health and Human Services requesting a needs assessment regarding detention centers and look at the cost savings of consolidating and repurposing of facilities, and recommend alternate delivery models of education for youth in detention. The motion was seconded by Senator Favola and the recommendation was adopted unanimously by the Commission.

Delegate Brewer thanked Ms. Atkinson, Will Egen, and other staff for all of their efforts in working on this study.

Adopted Recommendation:

Draft recommendations and the adopted recommendation, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendation related to this study:

Recommendation: Request that the Secretary of Public Safety and Homeland Security, the Secretary of Education, the Secretary of Health and Human Resources, Virginia Association of Counties, Virginia Municipal League, and affected localities conduct an assessment of needs regarding juvenile detention centers. This assessment shall take into consideration the cost savings that could occur with consolidation or repurposing and discuss ways to reinvest in places or programs for youth who are in or at risk of becoming part of the juvenile justice system. Further, request that this review assess and consider alternative delivery models of education services. This group shall report its progress and timeline to determine any potential cost savings and ways to invest in community needs,

to the Commission on Youth by July 1, 2023. This group shall complete its report and provide recommendations to the Commission on Youth by December 1, 2023.

IV. Rap Back - Criminal Background Checks

Captain Matt Patterson, Virginia State Police

Delegate Brewer introduced Captain Matt Patterson, Commander of the Criminal Justice Information Services Division with Virginia State Police (VSP). Captain Patterson described the new criminal background check service that Virginia is implementing, called Rap (Record of Arrest and Prosecution) Back. The current VSP criminal background check system is only a point in time and doesn't provide updates on any future changes in a person's history. Rap Back allows continuous vetting of individuals who are enrolled. Criminal background checks are used by employers hiring people who will be working in positions of trust and are also used by those who supervise people under criminal justice monitoring. Virginia is the seventh state to migrate to this optional Federal Bureau of Investigation (FBI) service that uses fingerprint based background checks and notifies authorized government agencies about changes in criminal histories.

All Virginia government employees, and other entities that require criminal background checks, will need to request new fingerprint-based background checks on individuals. This will happen in a systematic, staggered manner so as not to overload the new process. Once fingerprints are taken, the FBI will monitor their database for triggering events that affect criminal history records of enrolled individuals. If a triggering event occurs, the Virginia State Police will receive a Rap Back pre-notification from the FBI.

Triggering events include arrest; disposition after an arrest; issuing of an arrest warrant; deletion or modification requests; sex offender registry additions, deletions or modifications; and death notices. Individuals will be required to sign a privacy notice and participating organizations will be required to confirm their current/continued interest in an individual annually. In the 2023 General Assembly session, VSP will pursue an amendment to the Rap Back authorization statute to comply with current FBI requirements. The core system replacement is expected to be implemented in July 2024 with full functionality in July 2025. Criminal background checks will be completed more quickly with the new criminal records information system (CRIS) and the subsequent interface with the FBI fingerprint based service.

Delegate Coyner suggested that when the VSP writes the draft legislation for funding or any amendments that they include verbiage about maintaining compliance with all future FBI updates and requirements.

Delegate Brewer thanked Captain Patterson for his presentation.

This presentation can be accessed on the Commission's webpage under the meetings tab.

V. Update on Safe and Sound Task Force

Janet Kelly, Special Advisor to the Governor, Office of Governor Glenn Youngkin

Delegate Brewer introduced Janet Kelly, Special Advisor to the Governor, for an update on the Safe and Sound Task Force, launched April 1, 2022. The charter for this task force is to stop the reality of foster care kids sleeping in offices, hotels and emergency rooms unnecessarily. The number of children displaced went from 162 children over a six month period in 2021 (27 per month on average) to 3 children displaced per month in June and July 2022. This is an 89% decrease but is only the tip of the iceberg, so to speak. Reducing the number of children in foster care is a top priority for Governor Glenn Youngkin.

Phase 2 of this Task Force is huge and will focus on three systemic goals:

- Reduce unnecessary use of congregate care for foster kids (Objective 1: Reduce the average length of stay for children in foster care by 30%. Find family-based placements for the 100 kids who have been in congregate care the longest.);
- Affirm the importance of the family unit by increasing intact families (Objective 2: Reduce the number of birth, kinship, foster and adoptive family disruptions by an average of 20%.); and
- Leverage public/private partnerships to operationalize the community's role in supporting children and families (Objective 3: Launch a statewide, Governor's office-led Community Engagement effort that educates, equips and engages 1,000 Virginians to provide volunteer wrap around support to vulnerable children and families.)

The Safe and Sound Task Force is the first combined forum to work on reducing foster care numbers. Ms. Kelly warned Commission members that the foster care numbers might increase temporarily while transitioning and improving the foster care system. With objective 3, there is a statewide effort to make volunteering as foster care parents easier and provide effective training.

Senator Favola agreed that we need to protect the children, keep them out of foster care and with their family—if safe to do so—and support professional foster parents to receive strong training and supports.

Delegate Brewer thanked Ms. Kelly for the update.

This presentation can be accessed on the Commission's webpage under the meetings tab.

VI. CSA Overview

Scott Reiner, Executive Director, Office of Children's Services

Next, Delegate Brewer introduced Scott Reiner, Executive Director, Office of Children's Services. Mr. Reiner gave a history of the Virginia Children's Services Act (CSA) and explained some of the challenges of aligning policy, practice and funding with the realities that children and families face each day. The challenges and realities faced by CSA take shared case management efforts, shared coordination, and shared funding with the Departments of Education, Juvenile Justice, Behavioral Health and Developmental Services, Social Services, and other agencies and service providers.

Mr. Reiner's presentation also went through expenditures and utilization, the FAPT process, and information about the dashboards available on the Office of Children's Services website.

Delegate Brewer thanked Mr. Reiner for his presentation.

This presentation can be accessed on the Commission's webpage under the meetings tab.

VII. Election of Chair and Vice Chair

Delegate Brewer explained that an election for the Chair and Vice-Chair needs to happen before the meeting is adjourned.

Delegate Durant nominated Delegate Emily Brewer to be the Chair and nominated Senator Favola to be Vice-chair of the Commission on Youth for the study year of 2023. The motion was seconded. The motion was adopted unanimously.

VIII. Adjourn

Delegate Brewer thanked the Commission members, Commission staff, and attendees for their participation. The meeting was adjourned at approximately 12:35 p.m.

This video may be found at the following House of Delegates' Streaming site: <https://viriniageneralassembly.gov/hv>.